



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 13-6

July 10, 2013

Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department for Approval in Accordance with 47 U.S.C. § 252

**HEARING OFFICER RULING ON PETITION FOR INTERVENTION AS A LIMITED
PARTICIPANT OF COX RHODE ISLAND TELCOM LLC AND CHARTER
FIBERLINE MA-CCO, LLC**

On May 13, 2013, the Department of Telecommunications and Cable ("Department") opened an investigation upon its own motion, to determine whether an agreement between Verizon New England Inc., d/b/a Verizon Massachusetts ("Verizon MA") and an unidentified party providing for the exchange of Voice over Internet Protocol ("VoIP") traffic in Internet Protocol ("IP") format ("IP Agreement") is an "Interconnection Agreement" under 47 U.S.C. § 251. *Investigation by the Dep't of Telecomms. & Cable on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Mass. is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Dep't for Approval in Accordance with 47 U.S.C. § 252, D.T.C. 13-6, Order Opening an Investigation, Declining to Issue an Advisory Ruling, and Denying Verizon MA's Motion to Dismiss or Stay the Proceeding* (May 13, 2013) ("Order Opening Investigation"). This proceeding has been docketed as D.T.C. 13-6, and is a formal adjudicatory proceeding conducted

under G. L. c. 30A and 220 C.M.R. § 1.00 *et seq.* of the Department's Rules of Practice and Procedure.

On July 5, 2013, Cox Rhode Island Telcom LLC ("Cox") and Charter Fiberline MA-CCO, LLC ("Charter") filed a petition to intervene as a limited participant. No participants have filed comments or oppositions to the petition. Under 220 C.M.R. § 1.03(1)(e), the Department may permit nonparties to make limited appearances by making oral or written statements of their positions on the issue, or by such other participation as it may determine. In their petition to intervene requesting limited participant status, Cox and Charter seek to participate in conferences, technical sessions, and hearings, file briefs, and respond to filings by other parties or rulings issued by the Department. Cox and Charter Petition at 2.

When ruling on a petition to intervene as a limited participant, the Department balances the interests of an individual intervenor against the need to conduct an efficient proceeding. *Boston Edison Co. v. Dep't of Pub. Utils.*, 375 Mass. 1, 45-46 (1978). It may consider, among other factors, the interests of the petitioner, whether the petitioner's interests are unique and cannot be raised by any other petitioner, the scope of the proceeding, the potential effect of the petitioner's intervention on the proceeding, and the nature of the petitioner's evidence, including whether such evidence will elucidate the issues of the proceeding, and may limit intervention and participation accordingly. *Pet. of Comcast Cable Commc'ns., LLC to establish & adjust the basic service tier programming, equipment, & installation rates for the communities in Mass. served by Comcast Cable Commc'ns., LLC that are currently subject to rate regulation*, D.T.C. 12-2, *Hr'g Officer Ruling on Pet. to Intervene* at 10 (Nov. 14, 2012). The Department exercises the discretion afforded to it under G. L. c. 30A, § 10, so that it may conduct a proceeding with the goal of issuing a reasoned, fair, impartial, and timely decision that achieves its statutory

mandate. *Pets. of W. Mass. Elec. Co. for approval of its Transition Charge Reconciliation filing for the periods Jan. 1, 2000 through Dec. 31, 2000 & Jan. 1, 2001 through Dec. 31, 2001.*

D.T.E. 01-36/D.T.E. 02-20, *Interlocutory Order on Appeal of Hr’g Officer Ruling Denying Alternate Power Source, Inc.’s Pet. to Intervene* at 6 (Jan. 31, 2003).

Cox and Charter as telecommunications providers in Massachusetts may be affected by the outcome of this proceeding. Cox and Charter assert that this investigation concerns important regulatory concerns of first impression that will have implications for companies, such as Cox and Charter that interconnected with Verizon. Cox and Charter Petition at 1. Because the outcome of the proceeding may affect Cox’s and Charter’s provision of services in Massachusetts and their participation is unlikely to affect the Department’s ability to conduct an efficient proceeding and potentially could help the Department issue a reasoned, fair, impartial, and timely decision, the Department GRANTS Cox and Charter limited participant status, with the rights requested. *See Pet. of Comcast Cable Commc’ns., LLC to establish & adjust the basic service tier programming, equipment, & installation rates for the communities in Mass. served by Comcast Cable Commc’ns., LLC that are currently subject to rate regulation*, D.T.C. 12-2, *Hr’g Officer Ruling on Pet. to Intervene* at 10 (Nov. 14, 2012).

/s/ Betsy Whittey

Betsy Whittey
Hearing Officer

/s/ Michael Scott

Michael Scott
Staff Attorney, Legal Division

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.